

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	<b><u>APPLICATION FOR IMMUNITY</u></b>
	:	<b><u>ORDER</u></b>
- v. -	:	
	:	S1 19 Cr. 366 (LGS)
STEPHEN M. CALK,	:	
	:	
Defendant.	:	
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AUDREY STRAUSS, United States Attorney for the Southern District of New York, for the reasons hereinafter set forth and upon the declaration of Assistant United States Attorney Paul M. Monteleoni, hereby requests an order compelling Matthew MacDonald to give testimony and provide other information pursuant to the provisions of Title 18, United States Code, Sections 6002 and 6003, and respectfully alleges as follows:

1. Matthew MacDonald is scheduled to testify in United States v. Stephen M. Calk, S1 19 Cr. 366 (LGS), in the United States District Court for the Southern District of New York.

2. This application is made in good faith and upon my judgment that the testimony from MacDonald may be necessary to the public interest.


3. It is expected that MacDonald will refuse to testify in United States v. Calk on the basis of his privilege against self-incrimination.

4. This application is made with the approval of the Department of Justice, by a designated Deputy Assistant Attorney General, pursuant to the authority vested in her by Title 18, United States Code, Section 6003 and Title 28, Code of Federal Regulations, Section 0.175. A copy of the letter setting forth the approval of the Department of Justice for this application is attached hereto.

WHEREFORE, the United States of America by the United States Attorney for the Southern District of New York respectfully requests the Court to issue an order requiring MacDonald to give testimony in United States v. Calk and provide other information with regard to all matters about which he may be questioned, pursuant to the provisions of Title 18, United States Code, Sections 6002 and 6003.

Dated: New York, New York  
June 7, 2021

Respectfully submitted,

  
AUDREY STRAUSS  
United States Attorney



**U.S. Department of Justice**

Criminal Division

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*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

Ms. Audrey Strauss  
Acting United States Attorney  
Southern District of New York  
Office of the United States Attorney  
One St. Andrew's Plaza  
New York, New York 10007

Attention: Benet Kearney  
Assistant United States Attorney

Re: *United States v. Stephen M. Calk*

Dear Ms. Strauss:

Pursuant to the authority vested in me by 18 U.S.C. § 6003(b) and 28 C.F.R. § 0.175(a), I hereby approve your request for authority to apply to the United States District Court for the Southern District of New York for an order, pursuant to 18 U.S.C. §§ 6002-6003, requiring Matthew MacDonald to give testimony or provide other information in the above matter and in any further proceedings resulting therefrom or ancillary thereto, provided that the witness refuses to testify or provide information on the basis of the privilege against self-incrimination.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer A.H. Hodge".

Jennifer A.H. Hodge  
Deputy Assistant Attorney General

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	<b><u>DECLARATION</u></b>
	:	
- v. -	:	S1 19 Cr. 366 (LGS)
	:	
STEPHEN M. CALK,	:	
	:	
Defendant.	:	
-----	X	

STATE OF NEW YORK  
COUNTY OF NEW YORK

PAUL M. MONTELEONI, pursuant to Title 28, United States Code, Section 1746,  
hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the office of Audrey Strauss,  
United States Attorney for the Southern District of New York, and as such am one of the attorneys  
responsible for the prosecution of the above-captioned case.

2. This declaration is made in support of the application by the United States  
Attorney for the Southern District of New York for an order pursuant to Title 18, United States  
Code, Sections 6002 and 6003 directing Matthew MacDonald to give testimony and provide other  
information in the above-captioned case.

3. The witness may refuse to testify about certain subjects on the basis of his  
privilege against self-incrimination.

4. Upon information and belief, MacDonald can give relevant testimony in the above-mentioned matter, which testimony may be necessary to the protection of the public interest.

5. This application for immunity is made in good faith.

WHEREFORE, and upon the application of Audrey Strauss, annexed hereto, it is respectfully requested that the application be granted.

Dated: New York, New York  
June 5, 2021



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Paul M. Monteleoni  
Assistant United States Attorney

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	<b><u>ORDER</u></b>
	:	
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	:	
STEPHEN M. CALK,	:	
	:	
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-----	X	

Upon the annexed application of Audrey Strauss, United States Attorney for the Southern District of New York, for an order pursuant to Title 18, United States Code, Sections 6002 and 6003, compelling Matthew MacDonald (“MacDonald”) to testify and to provide other information in United States v. Stephen M. Calk, S1 19 Cr. 366 (LGS), in the United States District Court for the Southern District of New York, and upon the declaration of Assistant United States Attorney Paul M. Monteleoni, submitted in support thereof; and it appearing that,

1. MacDonald is scheduled to appear as a witness in United States v. Calk; and,
2. It is expected that MacDonald will refuse to testify on the basis of his privilege against self-incrimination; and,
3. It is the judgment of the United States Attorney that the testimony and other information that MacDonald could give in United States v. Calk may be necessary to the public interest; and,

Upon the approval of the aforesaid application by the Department of Justice, by a designated Deputy Assistant Attorney General, pursuant to the authority vested in her by Title 18, United States Code, Section 6003 and 28 C.F.R. 0.175; it is hereby:

ORDERED that, pursuant to Title 18, United States Code, Sections 6002 and 6003, MacDonald give testimony and provide other information as to all matters about which he may be questioned in United States v. Calk; and

IT IS FURTHER ORDERED that, pursuant to Title 18, United States Code, Sections 6002 and 6003, no testimony or other information compelled under this Order, or any information directly or indirectly derived from such testimony or other information, may be used against MacDonald in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with this Order.

This order shall become effective only if after the date of this Order MacDonald refuses to testify or provide other information on the basis of his privilege against self-incrimination.

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THE HONORABLE LORNA G. SCHOFIELD  
United States District Judge

Dated: New York, New York  
June \_\_\_, 2021